

THE UNITED STATES TRAFFICKING VICTIMS PROTECTION ACT AND STATES' COMPLIANCE: AN ANALYSIS



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INTRODUCTION

The purpose of this paper is to examine what determines a state's level of compliance with the United States Trafficking Victims Protection Act (TVPA). While there have been several studies on what causes human trafficking, and some analysis of the US State Department Trafficking in Persons Report, there is a remaining gap in the literature which this study seeks to fill. Those that do look at the TIP Report recognize a correlation between perceived level of corruption and TIP rankings (Lyday, 2000). However there are several cases to which this hypothesis does not apply, three of which will be examined here. These three states have relatively high levels of perceived corruption, yet were still ranked as Tier 1, which represents countries with the highest level of compliance, in the 2010 TIP report (Transparency International, 2010; US State Department, 2010). Therefore other factors will be proposed that could determine a state's level of compliance in the prevention of human trafficking, as these cases do not support the aforementioned hypothesis. While these cases may simply be outliers to this theory, there indeed could be another reason that each of these countries were granted the highest level of compliance ranking, in spite of the corruption that hinders compliance.

¹ This study was conducted as part of a research internship/directed study, under the direction of Dr. Esther Skelley Jordan. The purpose of this study is to contribute to Dr. Jordan's research on global human trafficking, and is being published with her permission. Although the words here are my own, many of the ideas presented are the product of collaboration between myself and Dr. Jordan. Consequently, some of these ideas may appear in future publications in which she is the principal investigator.

CASE STUDIES

This paper will explore three case studies of countries that received a Tier 1 ranking in the Trafficking in Persons Report: Nigeria, Colombia, and Georgia. Tier 1 indicates the highest level of compliance (out of three tiers) and is where most liberal democracies rank, including the United States. It is important to note that the TIP Report makes a clear connection between the level of both corruption in domestic governance and civil liberties in a country and the level of compliance with the TVPA's minimum standards (US Congress, 2010). This, therefore, leads to a test of two our primary hypotheses: 1. A state's level of corruption is negatively correlated with TVPA compliance; 2. Greater protection of civil liberties is positively correlated with TVPA compliance. For the purposes of this study, Transparency International's Corruption Perceptions Index and Freedom House's Freedom of Civil Liberties Score will be used to examine perceived corruption and freedom of civil liberties, respectively, in each case. It is not expected that the results of this study will support these hypotheses. Instead, the following examination of the cases of Nigeria, Colombia, and Georgia are expected to generate alternative hypotheses.



Nigeria is indeed a regional power in West Africa as the most populous country on the continent and the seventh most populous in the world (Odueme, 2011). It is also one of the world's largest oil producers but, while the country's rich oil reserves are lucrative and have potential to benefit the economy, any progress has been undermined by corruption and mismanagement. Instead, stolen oil has fueled violence and corruption in the Niger delta, which is home to the industry (BBC, 2010). The CPI ranges from 0-10 (10 being the least corrupt), and Nigeria has received a low ranking since the study's beginning in 2001. The state climbed from a 1.0 on the CPI in 2001 and peaked in the year 2008 at a poor score of 2.7 (Transparency International, 2010). Nigeria received a Tier 1 ranking for the first time in the TIP's history in 2009, and again in 2010, and its CPI score decreased from 2.5 to 2.4, meaning the perceived level of corruption increased, in that same timeframe (US Congress, 2010 and Transparency International, 2010).

Table 1

Countries of Interest	2001			2002			2003			2004			2005		
	CPI	CL	TIP	CPI	CL	TIP	CPI	CL	TIP	CPI	CL	TIP	CPI	CL	TIP
Colombia	3.8	n/a	n/a	3.6	4	Tier 1	3.7	4	Tier 1	3.8	4	Tier 1	4.0	4	Tier 1
Georgia	n/a	n/a	n/a	2.4	4	Tier 2	1.8	4	Tier 3*	2.0	4	Tier 2WL	2.3	3	Tier 2
Nigeria	1.0	n/a	n/a	1.6	4	Tier 2	1.4	4	Tier 2	1.6	4	Tier 2WL	1.9	4	Tier 2
	2006			2007			2008			2009			2010		
	CPI	CL	TIP	CPI	CL	TIP	CPI	CL	TIP	CPI	CL	TIP	CPI	CL	TIP
Colombia	3.9	3	Tier 1	3.8	3	Tier 1	3.8	3	Tier 1	3.7	4	Tier 1	3.5	4	Tier 1
Georgia	2.8	3	Tier 2	3.4	3	Tier 1	3.9	4	Tier 1	4.1	4	Tier 1	3.8	4	Tier 1
Nigeria	2.2	4	Tier 2	2.2	4	Tier 2	2.7	4	Tier 2	2.5	4	Tier 1	2.4	4	Tier 1

LEGEND
CPI= Corruption Perceptions Index (Transparency Int'l)
CL= Civil Liberties (Freedom House)
TIP= TIP ranking

CPI score - 1-10; the higher the number, the less corrupt
Civ Lib score - 1-7; the lower the number, the more liberty
TIP ranking - Tier 1, most compliance, Tier 3, least compliance

Table 1. This table shows the Corruption Perceptions Index (CPI) scores, Freedom House’s “Freedom in the World” civil liberties (CL) scores, and the TIP rankings for each of the three case studies.

Osita Agbu, who studied corruption and human trafficking specifically in Nigeria, writes: “It seems Nigeria’s laws cannot effectively control corruption for the simple reason that they were not designed for the kind of society existing now,” and notes Nigeria’s inadequate enforcement agencies (“Corruption and Human Trafficking: The Nigerian Case”, 9). Agbu also recognized that the Nigerian government was not enforcing the legal framework created to combat corruption (2003). Nigeria’s problems with corruption have only worsened since (Transparency International, 2010). As previously mentioned, the level of civil liberties in a country was also suggested in the TIP Report as a possible link to the level of compliance (US Congress, 2010). Nigeria’s level of civil liberties, according to Freedom House, has remained at a slightly below average score of 4 since the analysis began in 2002. The civil liberties scale ranges from 1-7, with the lower score meaning more civil liberties. The average civil liberties score of all of the other Tier 1 countries is a strong 1.2 (Freedom House, 2010). If strong civil liberties and limited corruption lead to greater compliance with the TVPA, as posited by the TIP report, then this case is puzzling (US State Department, 2010).

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Colombia has received a Tier 1 ranking in the Trafficking in Persons Report since the Report was first published in the year 2000 (US Congress). As the fourth largest country in South America, with one of the largest populations on the continent, and the fourth largest economy in Latin America, Colombia is a powerful country in relation to other states in the region (BBC, 2010; Stokes, 2005). The country is also the home of substantial oil reserves as well as precious metals. However, Colombia has suffered from decades-long violent conflict involving drug cartels and human rights violations (BBC, 2010). According to Human Rights Watch, the government participates in illegal surveillance of those who are suspect of opposing it, including human rights workers (2010). Additionally, paramilitaries were recently demobilized but many returned to crime, and the law enforcement failed to investigate most of these (Human Rights Watch, 2010). Under this framework, it is not surprising that the level of perceived corruption and civil liberties are poor. Corruption in the country has been high for years, peaking at a below average score of 4.0 in year 2005, and declining (perceived corruption increasing) in the years since (Transparency International, 2010). The state has now reached a poor corruption score of 3.5 (Transparency International, 2010). Colombia, like Nigeria, has remained at a below average, yet fairly steady, civil liberties score of 4, with a brief period of more freedom in civil liberties from 2006 to 2008 when the country received a score of three (Freedom House, 2010). Given Colombia's mediocre at best corruption and civil liberties rankings, this case undermines the hypothesis that high levels of compliance with the TVPA are the result of protection of civil liberties and limited corruption. Something else must be explaining compliance.



Georgia's Tier 1 ranking is puzzling as well. Although currently holding the highest CPI score (that is, lowest level of perceived corruption) of the three cases with a 3.8, Georgia has suffered from very high levels of corruption over the past decade (Transparency International, 2010). The state began the study in 2002 with a score of 2.4, but quickly fell to a 1.8 the next year (Transparency International, 2010). The perceived corruption was slightly yet steadily increasing each year, and achieved its highest (best) score yet in 2009 with a 4.1. In 2010 Georgia's corruption score fell again to a 3.8 (Transparency International). Similar to Colombia, Georgia has remained at a fairly steady below average score of 4 on Freedom House's measure of civil liberties, with a peak period from 2005 through 2007 when the country received a score of 3—still lower than most other countries that receive a Tier 1 TIP ranking (Freedom House, 2010; US State Department, 2010). It then declined to a score of 4 on the Freedom House scale in 2010. Again, Georgia is a case with mediocre levels of civil liberties and corruption; yet perfect compliance on preventing human trafficking.

ALTERNATIVE HYPOTHESES

What then, has led these countries to receive such a prestigious ranking in the U.S. Trafficking in Persons Report? It seems that following such guidelines outlined in the TVPA would be very difficult, if not nearly impossible, with the levels of corruption with which these three countries struggle. Transparency International defines corruption as “the abuse of entrusted power for private gain” (2010). It is surprising that a state with high corruption can rank so high in terms of human trafficking compliance. It is also feasible that corrupt officials may not only allow, but profit from, human trafficking by being compensated by traffickers for ignoring the crime. Alternatively, some possible factors that may explain what contributes to a state’s level of compliance with the TVPA are suggested here.

Gender inequality could potentially contribute to the level of compliance with the TVPA; it is feasible that an inferior role of women in society could have an effect on the amount of trafficking in women that takes place, and, more importantly for our study, on the motivation a government may have to take the measures to prevent the trafficking. The Victims of Trafficking and Violence Protection Act highlights the connection between gender inequality and the existence of human trafficking, and claims that “the low status of women in many parts of the world has contributed to a burgeoning of the trafficking industry.” (Trafficking Victims Protection Act of 2000, 1466) Although most victims of human trafficking are women and children, it must be noted that young men are also trafficked for agricultural labor, the sex trade, and by rebel armies for war within conflict-ridden countries (Lyday, 2000). Thus it is possible that the gender inequality could contribute to more trafficking in women, and then perhaps contribute to a less motivated government to stop this trafficking, but this factor does not explain a lack of compliance in fighting trafficking in males. Therefore, whatever effect gender inequality has on compliance with the TVPA seems to only apply to a fraction of the problem; that is, the governments that would lose motivation because of the inferior role of women. Theoretically these prevention standards should still be met to eliminate trafficking in males, but this is not the case and therefore this undermines the hypothesis that gender inequality is a primary driver of lack of compliance.

The level and accessibility of education in a society could also contribute to the level of compliance with the standards set by the TVPA. In a society that is more educated and has more access to education, it would be easier to make citizens aware of the problem and of ways to avoid becoming human trafficking victims. Lyday acknowledges that public enlightenment through schools and other institutions is one way of

GENDER INEQUALITY

LEVEL OF EDUCATION

combating trafficking, and promoting awareness is one element which the TVPA takes into consideration in ranking states (Lyday 2000; US State Department, 2010). Thus an advanced educational system would provide the means with which the government could educate their citizens on this issue, and consequently make it easier for states to meet TIP standards for efforts to promote awareness. According to the Human Development Index, which includes records of the gross enrollment ratio in education at all levels, Colombia and Georgia both have fairly high enrollment ratios of 79% and 76.7%, respectively (United Nations Development Program, 2010). Nigeria, however, has a low level of enrollment at only 53% (United Nations Development Program, 2010). This makes level of education seem like a possible, yet questionable, contributor to level of compliance.

ECONOMIC INTERESTS DRIVE COMPLIANCE

Foreign Direct Investment (FDI) seems the most credible contributor to compliance with the TVPA. FDI from the United States or other United Nations Security Council members could indeed contribute to a state's level of compliance, as the incentive of receiving FDI could certainly persuade a country to comply with the standards established (Fredette, 2009). In fact, Kalen Fredette, in her study of the legislation of the UN Palermo Protocol (part of the United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention Against Transnational Organized Crime), emphasizes that compliance is "best achieved by orchestrating economic incentive and sanction programs among Protocol Members" ("Revisiting the UN Protocol on Human Trafficking: Striking Balances For More Effective Legislation", 133). FDI certainly seems like it could explain these three states' high level of compliance, as they are all major recipients of FDI, particularly from the US, yet they theoretically are risky candidates for investment.

FOREIGN INVESTMENT

BBC describes Nigeria as "keen to attract foreign investment but [it] is hindered in this quest by security concerns as well as by shaky infrastructure troubled by power cuts" (2010). This statement shows how its compliance with the TVPA could be Nigeria's attempt to be seen as a stable and strategically sound investment for donor states. A strong leader in the African Union (AU), Nigeria is a part of the New Partnership for Africa's Development (NePAD), which the AU oversees. NePAD is an "anti-poverty blueprint which bargains with the West", meaning promotion of good political and economic practice is exchanged for more foreign aid and investment (BBC, 2010). Perhaps Nigeria's compliance with the TVPA is one of their efforts of good political practice.

It is feasible that Colombia, too, has deterred investors, as it is now one of the most violent countries in the world and could therefore be considered a risky investment (BBC, 2010). However the US remains the most influential foreign actor in Colombia; in 2009 alone the US gave \$663 million to the Colombian government, the bulk of which went to military and police aid (Human Rights Watch, 2010). Human Rights Watch notes that US pressure is probably the main factor that has led the government to establish a specialized group of prosecutors to investigate trade unionist killings, which shows that the Colombian government could also be making an effort to reach the TVPA standards for the sake of aid in the same manner (Human Rights Watch, 2010).

The United States has significant strategic interest in Georgia; it has invested heavily in an oil pipeline from Azerbaijan via Georgia to Turkey (BBC, 2010). Both the US and the EU deepened their engagement and financial backing of Georgia in 2009 (Human Rights Watch, 2010). This seems like a similar exchange as that of NePAD in Nigeria. The US and Georgia signed a Charter on Strategic Partnership in January of 2009 envisaging increased cooperation. As a part of a US \$1 billion pledge to support Georgia's recovery following the 2008 war, the US gave \$53.3 million (including \$20 million for good governance, civic participation, and election and media reform) (Human Rights Watch, 2010). Therefore, it could be concluded that states comply with such standards as those set by the TVPA out of strategic interest due to potential gain from those in control of the ranking, in this case the US. This part of the theory describes recipient motivation.

US MOTIVATION IS EQUALLY IMPORTANT

In addition to the motivation described above, a causal link that goes both directions is suggested; that is, the inclusion of donor motivation. There has been debate over the motivation of the US in their TIP tier placement and enforcement. Hendrix notes how the US has seemingly dismissed some Tier 3 countries of the economic sanctions that should have been put in place according to the policies of the TVPA (Hendrix, 2010). According to the TVPA, the worst ranked countries are subject to non-humanitarian, non-trade related foreign assistance sanctions from the US (Hendrix, 2010). However, all unilateral economic sanctions by the US are subject to presidential waiver "based on a finding that certain circumstances exist, such as improved human rights conditions, 'extraordinary circumstances', or simply finding that waiver is in the US national security interests" (Hendrix, 2010, 196). It is this last reason to waive sanctions that seems to leave the US State Department the space to dissent from the set policy of the TVPA. US national security interests could be defined in a myriad

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of ways and contexts, and perhaps some liberties have been taken when it comes to choosing which countries will suffer from sanctions and which will not. It is in this context that the credibility of the ranking and enforcement of the TIP Report is called into question, and therein lies what I believe to be the stronger argument for why these three states received the rankings they did.

Of the 14 countries ranked Tier 3 in 2008, only five of them were issued the sanctions stated in the TVPA (Hendrix, 2010). Hendrix explains: “critics say that instead of issuing blanket sanctions based on behavior, the US picks and chooses which countries to sanction, ignoring those that are strategically important to the US” (“Enforcing the U.S. Trafficking Victims Protection Act in Emerging Markets: The Challenge of Affecting Change in India and China”, 196). The US is accused of targeting those states where sanctions are already in place, or where there is little economic or security strategy involved (Hendrix, 2010). Additionally, according to Hendrix, there has been some debate over whether countries that should be given a Tier 3 ranking are placed instead in Tier 2 to fit US interests (2010). For example, India was placed on the Tier 2 Watch List in 2007, when it was argued that it should have received a Tier 3 ranking (Hendrix, 2010). CNN reported that “there was a heated debate between former Secretary of State Condoleezza Rice and former Deputy Secretary of State John Negroponte in which Rice overruled Negroponte’s wish to place them on the Tier 3 list due to ‘concern about alienating the Indian government.’” (“Enforcing the U.S. Trafficking Victims Protection Act in Emerging Markets: The Challenge of Affecting Change in India and China”, 196-197)

I argue that the same strategy is applied when the US is choosing how to rank countries of strategic interest. It is clear that this argument is not a new one; the TIP report is not outside the realm of US strategy. The US could argue that these rankings are what they are for security reasons (refer back to the economic sanctions’ waiver description—all unilateral economic sanctions by the US are subject to presidential waiver “based on...simply finding that waiver is in the US national security interests”) (Hendrix, 2010, 196). Rodrigo Pardo Garcia-Pena recognizes that “even the United States finds itself conditioned by what other countries and other actors do beyond the confines of North America” (The Issue of Drug Traffic in Colombian-US Relations: Cooperation As An Imperative, 103). This exemplifies the need for the US to cooperate with other states for their own security purposes; that is, the US is a state with vulnerabilities just like less developed nations, therefore the US must find ways to maintain and/or achieve security with other states as the world becomes more and more connected and interdependent. Robert Keohane puts it simply when he defines cooperation as “an instrument of foreign policy for countries that are involved in

matters which, by virtue of their global nature, require global treatment.” (Garcia-Pena, 1995, 103)

Human Rights Watch explains some possible reasons for the exemption of Nigeria in meeting the standards set by the US: “Because of Nigeria’s role as a regional power, leading oil exporter, and major contributor of troops to United Nations peacekeeping missions, foreign governments—including the United States and the United Kingdom—have been reluctant to publicly criticize Nigeria’s poor human rights record.” (2010) Human Rights Watch’s Annual World Report also notes that Secretary of State Hillary Clinton spoke out against the endemic corruption in the government of Nigeria, but was unwilling to publicly condemn serious abuses committed by Nigeria’s security forces (2010). And although foreign direct investment and aid is a large part of the cooperation between the West and Nigeria, in 2009 the UK provided £132 million in aid (including security aid) without demanding accountability (Human Rights Watch, 2010). This demonstrates the West’s lack of rigor in their demand for good political practice. The same goes for Colombia and Georgia, in that the US has significant strategic interest in both states, as explained above in discussing the proposed FDI theory.

I would like to stress that Tier 1 countries are those that are in full compliance with the minimum standards of the TVPA (Hendrix, 2010). Tier 2 countries are those whose governments are making significant efforts to comply; the extent to which human trafficking is a problem is considered, as well as the extent of noncompliance, resources and capabilities of the government (Hendrix, 2010). Given the circumstances I have explained regarding each country’s challenges in governance, these three states are cases that seem far too challenged in their capabilities to fully comply with the minimum standards stated in the TVPA. As recently as 2009, the Universal Periodic Review recommended that Nigeria “improve its legal framework...and reform the police and criminal justice sector” (Human Rights Watch, 2010). How can the TVPA standards be met without a sufficient, much less weak, police and criminal justice sector? The Palermo Protocol, while not the same as the TVPA but created with similar ideals, makes it very clear that the capacity to train government officials is crucial to the prevention (of trafficking), punishment (of perpetrators), and protection (of victims) needed in regards to human trafficking (2000). The corruption (and symptomatic lack of civil liberties) in all three cases undermines good governance—a strength that is clearly needed to fully enforce the required standards.

METHODOLOGY

The United States Victims of Trafficking and Violence Protection Act was created in 2000, “to combat trafficking in persons, a contemporary manifestation of slavery whose victims are predominantly women and children, to ensure just and effective punishment of traffickers, and to protect their victims.” (Trafficking Victims Protection Act, 2000, 1466).

The U.S. State Department Trafficking in Persons Report (TIP) is used in this study to operationalize states’ levels of compliance with the TVPA. The TIP Report was first published in 2000 and examines state governments’ efforts to achieve compliance with the Trafficking Victims Protection Act’s (TVPA) minimum standards for the elimination of human trafficking. This is an analysis that is focused on the level of government action to combat the problem of human trafficking rather than on the size of the problem itself (US Congress, 2000). The minimum standards for the elimination of human trafficking in the Trafficking Victims Protection Act mentioned above consist of the following:

- | |
|--|
| (1) “The government of the country should prohibit severe forms of trafficking in persons and punish acts of such trafficking. |
| (2) For the knowing commission of any act of sex trafficking involving force, fraud, coercion, or in which the victim of sex trafficking is a child incapable of giving meaningful consent, or of trafficking which includes rape or kidnapping or which causes a death, the government of the country should prescribe punishment commensurate with that for grave crimes, such as forcible sexual assault. |
| (3) For the knowing commission of any act of a severe form of trafficking in persons, the government of the country should prescribe punishment that is sufficiently stringent to deter and that adequately reflects the heinous nature of the offense. |
| (4) The government of the country should make serious and sustained efforts to eliminate severe forms of trafficking in persons.” (Trafficking Victims Protection Act of 2000, 1480) |



THE UNITED STATES VICTIMS OF TRAFFICKING & VIOLENCE PROTECTION ACT

These standards and this paper are both written using the TVPA’s definition of “severe forms of [human] trafficking” which is described as:

- a. “sex trafficking in which a commercial sex act is induced by force, fraud, or coercion, or in which the person induced to perform such an act has not attained 18 years of age; or,
- b. the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery.” (US Congress, 2000, 8)

Based on the TVPA’s minimum standards for the elimination of human trafficking, each state evaluated is placed into one of four categories: Tier 1 (the highest ranking, meaning full compliance), Tier 2, Tier 2 Watch Level, and Tier 3 (US Congress, 2000). The description of each category follows:

A Tier 1 country has “acknowledged the existence of human trafficking, has made efforts to address the problem”, and fully comply with the TVPA’s minimum standards for the elimination of trafficking (US Congress, 2000, 20-22).
Tier 2 countries’ “governments do not fully comply with the TVPA’s minimum standards but are making significant efforts to bring themselves into compliance with those standards” (US Congress, 2000, 22).
Tier 2 Watch List countries are those “whose governments do not fully comply with the TVPA’s minimum standards, but are making significant efforts to bring themselves into compliance with those standards AND:
a) the absolute number of victims of severe forms of trafficking is very significant or is significantly increasing;
b) there is a failure to provide evidence of increasing efforts to combat severe forms of trafficking in persons from the previous year, including increased investigations, prosecution, and convictions of trafficking crimes, increased assistance to victims, and decreasing evidence of complicity in severe forms of trafficking by government officials; or,
c) the determination that a country is making significant efforts to bring themselves into compliance with minimum standards was based on commitments by the country to take additional steps over the next year.” (US Congress, 2000, 22)
Tier 3 countries are those “whose governments do not fully comply with the minimum standards and are not making significant efforts to do so.” (US Congress, 2000, 22)

Additionally, the perceived corruption and freedom of civil liberties are measured to test the primary hypothesis in each of the three case studies. For the purposes of this study, Transparency International’s Corruption Perceptions Index and Freedom House’s Civil Liberties Score were chosen to measure each factor, respectively.

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CONCLUSION

Ultimately, as expected, these three cases fail to prove the primary hypotheses. Nigeria, Colombia, and Georgia all have an increasing amount of perceived corruption and below average level of civil liberties (Transparency International, 2010) (Freedom House, 2010). Alternatively, we see in all three cases the possibility of economic interest overpowering the corruption and civil liberties “obstacles” — meaning a state may see compliance as important and relevant enough to their economic interest to prioritize this goal and meet the TVPA’s requirements in spite of evident challenges. Hendrix notes in her study of the enforcement of the TVPA in emerging markets, that those countries “that received...more foreign investment were more responsive to shame” (Hendrix, 2010, 201-202). She also recognizes that reputational harm is more effective if it affects the country’s risk ratings for investment purposes (Hendrix, 2010). It is probable these three countries have made an effort to meet the TVPA standards as a defensive and preventative measure, for fear of receiving a low tier ranking and consequently losing FDI.

In addition to, or possibly in the place of, this motivation, US strategic interest from the other side—the “ranker”, as opposed to the “rankee”—is a factor in the process as well. Perhaps the US has potential to gain something from giving such states public praise; it is uncertain if the reward is in the form of security, possibly an economic agreement of some sort, or something altogether different. It is possible that these states are not actually in full compliance with the TVPA, but rather are making some effort worthy of such public praise as a TIP Tier 1 ranking (or perhaps no effort is being made at all, but the strategic interest is strong enough to award the state with the ranking regardless).

SUGGESTED FURTHER RESEARCH

An examination of a broader set of countries ranked in the Tier 1 category of the TIP Report is necessary. How many other cases suggest the theories proposed here? Perhaps the primary hypotheses put forth in this paper and in the TIP, that is, (1) that a state’s level of corruption is negatively correlated with TVPA compliance, and (2) that greater protection of civil liberties is positively correlated with TVPA compliance, is not accurate for many of the Tier 1 countries; in which case the validity of the TIP Report should be strongly questioned and the development of a new system may be necessary.

REFERENCES

- "African Union profile." BBC News.com. 14 June 2010. 31 Dec 2010.
- Agbu, Osita, "Corruption and Human Trafficking: The Nigerian Case," *West Africa Review* 4, no. 1 (2003).
- Carling, Jorgen, "Migration, Human Smuggling and Trafficking from Nigeria to Europe," *International Organization for Migration* (2006).
- "Colombia." Hrw.com, Human Rights Watch World Report 2010. 31 Dec 2010.
- "Colombia" (U.S. Department of State), <http://www.state.gov/r/pa/ei/bgn/35754.htm>.
- "Colombia country profile." BBC News.com. 10 Aug 2010. 31 Dec 2010.
- Fredette, Kalen (Winter 2009). "Revisiting the UN Protocol on Human Trafficking: Striking Balances For More Effective Legislation." *Cardozo Journal of International and Comparative Law*, 101-134.
- Garcia-Pena, Rodrigo Pardo (Spring 1995). "The Issue of Drug Traffic in Colombian-US Relations: Cooperation As An Imperative." *Journal of Inter-American Studies and World Affairs* 37(1): 101-111.
- "Georgia." Hrw.com, Human Rights Watch World Report 2010. 31 Dec 2010.
- "Georgia" (U.S. Department of State), <http://www.state.gov/r/pa/ei/bgn/5253.htm>.
- "Georgia country profile." BBC News.com. 1 Dec 2010. 31 Dec 2010.
- Hendrix, Mary Catherine (2010). "Enforcing the U.S. Trafficking Victims Protection Act in Emerging Markets: The Challenge of Affecting Change in India and China." *Cornell International Law Journal* 43: 174-205.
- Lyday, Corbin B., "The Shadow Market in Human Beings: An Anti-Corruption Perspective," *Journal of International Affairs*, (2000).
- "Map of Freedom in the World," Freedom House, 2010. <http://www.freedomhouse.org/template.cfm?page=363&year=2010>.
- "Nigeria" (U.S. Department of State), <http://www.state.gov/r/pa/ei/bgn/2836.htm#relations>.
- "Nigeria." Hrw.com, Human Rights Watch World Report 2010. 31 Dec 2010.
- "Nigeria country profile." BBC News.com. 30 Nov 2010. 31 Dec 2010.
- Nye, Joseph S., Jr., (Jan 1988). "Neorealism and Neoliberalism," *World Politics* 40 (2): 235-251.
- Odueme, Stella, (May 2011). "RenCap projects 8% growth for Nigeria in 2011," *Independentngonline.com*.
- "Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention Against Transnational Organized Crime" (United Nations, 2000), http://treaties.un.org/pages/ViewDetails.aspx?src=TREATY&mtdsg_no=XVIII-12-a&chapter=18&lang=en.
- Shelley, Louise (Winter 2002). "Transnational Crime: The Case of Russian Organized Crime and the Role of International Cooperation in Law Enforcement," *Demokratizatsiya*.
- Siverson, Randolph M. and Starr, Harvey, (March 1990). "Opportunity, Willingness, and the Diffusion of War." *The American Political Science Review*, 84 (1): 47-67.
- Statistics | Human Development Reports (HDR) | United Nations Development Programme (UNDP), Human Development Index, <http://hdr.undp.org/en/statistics/>
- Stokes, Doug (July 1 2005). "America's Other War: Terrorizing Colombia". *Canadian Dimension* 39 (4): 26.
- "Trafficking in Persons Report" (United States Department of State, June 2010), <http://www.state.gov/g/tip/rls/tiprpt/index.htm>.
- "Transparency International - The Global Coalition Against Corruption," 2010, http://www.transparency.org/policy_research/surveys_indices/cpi/2010/results.
- United States Congress, "Nigeria; Testimony by John Campbell - Examining the U.S.-Nigerian Relationship in a Time of Transition" (Africa News, February 23, 2010), <http://www.lexisnexis.com.www.library.gatech.edu:2048/hottopics/lnacademic/>.
- "Victims of Trafficking and Violence Protection Act of 2000," October 28, 2000, <http://www.state.gov/g/tip/rls/rm/2010/141446.htm>.